REMARKS

Applicants respectfully request further examination and consideration in view of the above amendments and the arguments set forth fully below. Claims 1-26 were previously pending in this application. Within the Office Action, Claims 1-26 have been rejected. By the above amendments, Claims 1, 18 and 23 are amended. No claims are added and no claims are canceled. Accordingly, Claims 1-26 are currently pending.

Rejections Under 35 U.S.C. § 102

Claims 1-14, 17-24, and 26 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0064757 to Yamadera et al. (hereinafter "Yamadera"). Applicants respectfully traverse this rejection.

Claim 1 is directed to a menu-driven electronic device comprising: a.) a display configured to selectively display at least one of a plurality of menus, including a main menu and a sub-menu, and b.) a two-dimensional navigation key including four sets of contact points, wherein the two-dimensional navigation key is configured to select and perform an action corresponding to one of a plurality of main menu items of the main menu and to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item using the four sets of contact points.

Within the Advisory Action, the Examiner again cites the Applicants' own specification (page 3, line 25 to page 4, line 7) as to the functionality of the claimed two-dimensional navigation key. As defined in this, and other sections, in the present specification, the two-dimensional navigation key uses the up, down, left, right portions to navigate the on-screen menus, to select (or highlight) specific menu items within the displayed menus, and to perform an action corresponding to a selected menu item. Each left, right, up, down portion is activated by a corresponding set of contacts, and as such the two-dimensional navigation key includes four sets of contacts, one for the left, one for the right, one for up and one for down. The Examiner contends that "pressing to the down direction", as taught in the present specification, is the same as the function described in Yamadera in which "the cursor 4 may be moved in four directions to select the menu, and the same cursor is pressed to confirm the selection." However, the Examiner's reference to "the same cursor is pressed to confirm the selection" is actually in reference to the "pushbutton" function described by Yamadera. As described in detail below,

this "pushbutton" function is a separate function from pressing either the up, down, left, or right portions of the cursor 4.

According to paragraph [0042] of Yamadera, the curser key 4 is moved in one of four directions (up, down, left, right) to scroll through menu items on the display menu 10a. This implies four separate contact point, one contact point corresponding to each of the up, down, left, and right directions. Specifically, Yamadera teaches that if the left direction is pressed, the cursor 45 moves to the left, for example, moving from menu item 21 in Figure 5B to menu item 24. If the right direction is pressed, then the cursor 45 moves to the right, such as moving from menu item 21 to menu item 22 in Figure 5B. If the up direction is pressed, then the cursor 45 moves upward, such as moving from menu item 21 to menu item 23 in Figure 5B. And finally, if the down direction is pressed, then the cursor 45 moves downward, such as moving from menu item 21 to menu item 25 in Figure 5B. Yamadera teaches that in order to perform an action corresponding to a highlighted menu item, the user "presses the cursor key 4" (Yamadera, paragraph [0062]). But what does this mean? The Examiner contends that this is the same as the present specification description of "pressing to the down direction." However, this is not the case, as pressing the down direction as applied to Yamadera simply moves the cursor from the currently highlighted menu item down to the next menu item, as in moving from menu item 21 to menu item 25.

By way of example, how does a user select the menu item 21 in Figure 5B of Yamadera and perform the action corresponding to the menu item 21? To activate the menu item 21, the user must "press the cursor key 4", also referred to as the pushbutton function (Yamadera, paragraph [0042]). This pushbutton function must be activated by a means that is different than the up, down, left, right directions of the cursor key 4 because if the right button is pressed, the menu item 21 is not activated, but instead the cursor 45 is moved from the menu item 21 to the menu item 24. Similar actions are performed if the left, up, or down directions are pressed. Therefore, the menu item 21 can not be activated by pressing the up, down, left, or right directions, a different "direction" must be pressed. This different direction must include a distinct set of contact points, different than the four contact points corresponding to the up, down, left, right directions. As such, although Yamadera does not explicitly teach five contact points associated with the cursor key 4, the described functionality of the cursor key 4 requires the presence of a fifth set of contact points, and therefore makes the cursor key 4 different than the claimed two-dimensional navigation key.

Within the Advisory Action, the Examiner maintains that Yamadera does not disclose a cursor key having a fifth set of contacts. The Applicants contend that the fifth contact point is implied as discussed above. In general, the five contact points of a three-dimensional navigation key enable five distinct functions to be selected from, one corresponding to each contact. The

. 5   four contact points of a two-dimensional navigation key enables four distinct functions to be selected from. Although Yamadera does not explicitly define five contact points associated with the cursor key 4, Yamadera does explicitly define five distinct functions. These five functions include the four functions of moving the cursor up, down, left, right on the display screen to "select" (highlight) a menu item, and the fifth "pushbutton" function that allows the user to

10   confirm a menu item that has been selected using the other four functions.

As such, Yamadera teaches a three-dimensional navigation key. Yamadera does not teach a two-dimensional navigation key including four sets of contact points, wherein the two-dimensional navigation key is configured to select and perform an action corresponding to one of a plurality of main menu items of the main menu and to select and perform an action

15   corresponding to a sub-menu item of the sub-menu associated with a selected main menu item using the four sets of contact points, as claimed in the independent claim 1. For at least these reasons, the independent claim 1 is allowable over Yamadera. Claims 2-14 and 17 are dependent upon the independent claim 1. Accordingly, claims 2-14 and 17 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

20   Claim 18 is directed to a menu-driven wireless telecommunications device comprising: a.) a display configured to selectively display at least one of a plurality of menus, including a main menu and a sub-menu, and   b.) a two-dimensional navigation key including four sets of contact points, wherein the two-dimensional navigation key is configured to select and perform an action corresponding to one of a plurality of main menu items of the main menu and to select

25   and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main menu item using the four sets of contact points, wherein the device displays a plurality of sub-menu items. As discussed in detail above, Yamadera does not teach a two-dimensional navigation key include four sets of contact points configured to select and perform an action corresponding to a sub-menu item of the sub-menu associated with a selected main

30   menu item.

For at least these reasons, the independent claim 18 is allowable over Yamadera. Claims 19-22 are dependent upon the independent claim 18. Accordingly, claims 19-22 are allowable as being dependent upon an allowable base claim, and are now in condition for allowance.

Claim 23 is directed to a menu-driven wireless telecommunications device comprising:
a.) a display configured to selectively display at least one of a plurality of menus, including a
main menu, a first sub-menu, and a second sub-menu, and b.) a two-dimensional navigation key
including four sets of contact points, wherein the two-dimensional navigation key is configured

5   to select and perform an action corresponding to one of a plurality of main menu items of the
main menu, to select and perform an action corresponding to a first sub-menu item of the first
sub-menu associated with a selected main menu item, and further to select and perform an action
corresponding to a second sub-menu item of the second sub-menu associated with the selected
main menu item using the four sets of contact points. For at least the same reasons as those

10   discussed above in regard to claim 1, the independent claim 23 is allowable over Yamadera.
Claims 24-26 are dependent upon the independent claim 23. As discussed above, the
independent claim 23 is allowable over Yamadera. Accordingly, claims 24-26 are allowable as
being dependent upon an allowable base claim, and are now in condition for allowance.

15   **Rejection Under 35 U.S.C. § 103**

Claims 15 and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over
Yamadera. Claim 15 is dependent on the independent claim 1. Claim 25 is dependent on the
independent claim 23. As discussed in the previous section, the independent claims 1 and 23 are
allowable over the teachings of Yamadera. Accordingly, claims 15 and 25 are allowable as being

20   dependent upon an allowable base claim, and are now in condition for allowance.
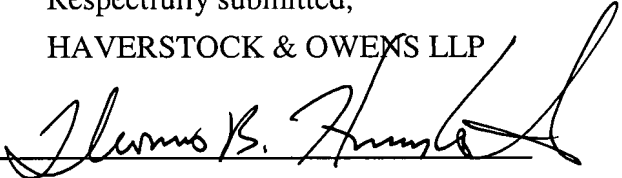
Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamadera
in view of U.S. Patent No. 6,463,304 to Smethers. Claim 16 is dependent on the independent
claim 1. As discussed in the previous section, the independent claim 1 is allowable over the

25   teachings of Yamadera. Accordingly, claim 16 is allowable as being dependent upon an
allowable base claim, and is now in condition for allowance.

<u>Conclusion</u>

For the reasons given above, Applicant respectfully submit that the Claims 1-26 are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned

5   at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,

HAVERSTOCK & OWENS LLP

10 Dated: ___11-14-07___   By:_____

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